

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MUSA HOXHAJ, ABDOU EL SHBEINY, AND
RICARDO CORDERO,

Case No. 21-cv-6486 (LJL)

Plaintiff,

- against -

MICHAEL CETTA, INC., MICHAEL CETTA,
AND STEVEN CETTA,

Defendants.
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**DECLARATION OF SAYED MOHRAN IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 1746, I, Sayed Mohran, hereby declare as follows:

1. I submit this declaration based on my personal knowledge in support of a motion for summary judgment being filed on behalf of the defendants Michael Cetta Inc. ("Sparks"), Michael Cetta, and Steven Cetta (collectively as "Defendants").

2. In my second tenure with Sparks Steakhouse, I have been employed since April 2011. My title is front of the house Manager.

3. Sparks is an established New York institution, renowned for its high-end steaks and impeccable service. Founded in 1966, Sparks has remained a family-run business and is currently owned and operated by members of its original founding family, Michael and Steven Cetta.

4. As front of the house Manager, I am responsible for overseeing the dining area, or "front of the house." My primary duty is supervising members of the waitstaff, including waiters, which consists of making their schedules, approving requests for time off, assigning side jobs and ensuring those side jobs are performed, and intervening if any problems arise between waiters.

5. As manager, I am also responsible for assigning tables to waiters and assisting the wait staff in servicing the guests if the dining area gets busy. On occasion, if the dining area gets very busy, which may happen on the weekends or during the holidays, front of the house Managers will assist the assigned waiter by seating the guests, taking food or drinks orders, clearing tables, delivering the food from the kitchen to the table, or any other task that the waiter may need help with. It is part of my duties as a Manager to assist any waiters that are backed up to assure and maintain a high quality fine dining experience for guests. Direct service to tables, however, is the primary responsibility of my subordinates.

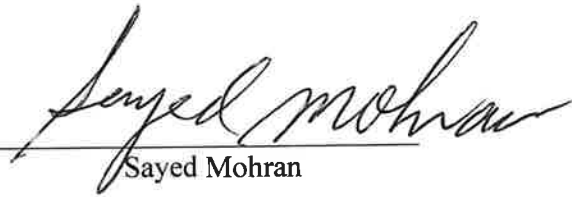
6. However, managers are only expected to step in and assist waiters on an as-needed basis and only when no other member of the wait staff is available. My main responsibility as front of the house Manager is to supervise the servers, which did not include waiting tables and serving guests as part of my regular day to day duties.

7. As a Manager, I am involved in the process to both hire and fire wait staff, in conjunction with Human Resources and Steve Cetta. Like all of the other Managers, I review staffing needs and can choose to begin the process to hire potential wait staff. I can interview applicants, review their resumes, and at my discretion, determine if the applicant is a qualified candidate. I can also issue disciplinary write-ups if a member of the wait staff violates Sparks' policies, including no call/ no show, is late, or otherwise does not perform.

8. Prior to the pandemic, Sparks had five front of the house managers in total, including Plaintiff Cordero, Plaintiff Hoxhaj, Plaintiff El Shabeiny, Octavio Perez-Gonzalez, and myself. We all had the same job titles and the same job responsibilities and were paid on a salary basis.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 6, 2023

By: 
Sayed Mohran